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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 Lamar Brown,

13 Petitioner,

14 v.

15 Gabriela Najera, *et al.*,

16 Respondents.

Case No. 2:22-cv-00564-RFB-BNW

**Unopposed motion for extension of
time to file amended petition**

FIRST REQUEST

1 Petitioner Lamar Brown moves this Court for the entry of an order extending
2 the time within which he must file an amended petition for writ of habeas corpus by
3 91 days from May 8, 2023, to and including August 7, 2023. The State, by Deputy
4 Attorney General Gerri Lynn Hardcastle, does not object to this request, though her
5 non-objection does not constitute a waiver of any procedural defenses Respondents
6 may wish to raise in response to the amended petition including, but not limited to,
7 timeliness, procedural default, and questions of exhaustion.

8 This is Brown's first request for an extension of time. This motion is not filed
9 for the purposes of delay but in the interests of justice as well as in the interests of
10 Brown.

11 The Federal Public Defender was appointed to represent Brown on January
12 9, 2023.¹ Undersigned counsel entered her notice of appearance on February 6,
13 2023.² Counsel began gathering Brown's file, but has been having difficulty
14 gathering the entire file and is still attempting to retrieve it. Counsel met with
15 Brown in March to discuss his case. Counsel intends to have an investigator
16 assigned to Brown's case in order to retrieve records.

17 Counsel has also had the following filings and appearances: on February 17,
18 2023, counsel filed a protective petition in *Keller v. Garrett*, case no: 3:22-cv-00481-
19 ART-CLB; on February 23, 2023, counsel represented a client at a parole hearing;
20 on March 2-3, 2023, counsel attended a conference in Portland, OR at which she
21 presented; on March 17, 2023, counsel filed an opening brief to the Nevada Supreme
22 Court in *Coca v. State*; counsel filed an opposition to motion to dismiss in *Cruz v.*
23 *Hutching* in case no: 2:21-cv-02118-GMN-DJA on March 21, 2023; counsel has been
24 supervising and co-authoring a 92 page reply in *Ayala v. Williams*, case no: 2:17-cv-
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26 ¹ ECF No. 17.

27 ² ECF No. 18.

02093-RFB-VCF which was filed April 24, 2023; counsel had oral argument to the Ninth Circuit in *Manley v. Warden*, case no: 21-16401 on April 19, 2023; counsel filed a section 2255 motion on April 25, 2023 in *Wilson v. United States* in the District of Arizona; counsel also filed a certificate of appealability in *Contreras-Armas v. Garrett* case no: 23-15438 on April 24, 2023; counsel filed an opposition to motion to dismiss in *Allen v. Garrett*, case no: 3:22-cv-00176-ART-CSD on May 3, 2023; counsel filed a reply brief on May 8, 2023 in *Cobb v. McDaniels*, case no: 3:15-cv-00172-MMD-CSD.

For these reasons, counsel respectfully asks this Court to grant Brown's request to extend the time for filing an amended petition until August 7, 2023.

Dated May 8, 2023.

Respectfully submitted,

Rene L. Valladares
Federal Public Defender

/s/ Kimberly Sandberg
Kimberly Sandberg
Assistant Federal Public Defender

IT IS SO ORDERED:



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

DATED this 9th day of May, 2023.